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REMARKS

In the Office Action of April 8, 2004, the Examiner has rejected claims 1-13 under 35 USC §102(b) as being anticipated by Smith et al (US 5,931,877). The Office Action of April 8, 2004, has been carefully considered and by this amendment, entry of which is respectfully requested, claims 1-13 remain in the application.

Applicant respectfully traverses the rejection of claims 1-13 under 35 USC §102(b), for the reason that the cited art does not teach or anticipate the invention of Applicant, as claimed.

The test for determining if a cited document anticipates a claim, for purposes of a rejection under 35 USC §102, is whether the cited document discloses all of the elements of the claimed combination, or the mechanical equivalents, functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals of the Federal Circuit in Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick, 221 USPQ 481, 485 (1984), in evaluating the sufficiency of an anticipation rejection under 35 USC §102:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

In considering the Smith et al patent cited by the Examiner, it is respectfully submitted that this document is directed to an entirely different invention than that covered by the subject application.

The focus of the Smith patent is on

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5 maintenance and repair, and specifically on minimizing the
number of false pulls of still operative system components
(see col. 2, lines 26-27). This is an entirely different
focus than that of the present application, where the focus
is on storage - storage of documents, including maintenance
manuals, many of which can be quite large. Smith discloses
a maintenance system to enhance maintenance and repair of
equipment; whereas the subject application does not provide
for maintenance and repair, but rather the storage of
10 maintenance and repair documents.

15 In comparing the claims of Smith and the subject
application, Smith must disclose all of the elements of the
claimed combination, functioning in substantially the same
way to produce substantially the same results. This is
quite impossible, as Smith is addressing a different problem
than that addressed by the subject application. Smith is
addressing the problem of maintenance, whereas the pending
application is addressing the problem of storage. The
claims of Smith address how to eliminate the need for
20 intermediate repair facilities implemented remotely from a
central station, maximizing accuracy and efficiency of
system repair and maintenance operations. This problem is
addressed in Smith because conventional BIT logic often
generates maintenance orders for components when the
25 components are in fact fully operational. The Smith system
is an attempt to override BIT logic inaccuracies. No such
inaccuracies are addressed by the present application,
because the present application focuses on storage of
information, not override of information that has been
30 stored or saved or noted in some manner. Therefore, it is

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respectfully submitted that Smith cannot possibly teach, suggest, or anticipate *storage and handling of documents*, since Smith instead teaches the maintenance of document-tracked systems.

5 In light of the remarks herein, it is respectfully suggested that none of the claims of the pending application are anticipated by the Smith et al patent, since the cited reference does not disclose each and every element of the claimed invention, arranged as in the
10 claims. Independent claims 1, 2, 5, 10 and 13 address a storage system or method, not override of a maintenance schedule.

Claims 3, 4, 6-9, 11 and 12 depend from independent claims 2, 5, or 10, to contain all of the
15 limitations found therein. By the dependency, it is submitted that these claims are not anticipated, taught, or rendered obvious by the cited document. Additionally, these claims add further limitations which distinguish them patentably from the cited document. Accordingly, withdrawal
20 of the rejections of all of the claims of the application under 35 USC §102(b) is respectfully requested.

Applicants' attorney has reviewed the additional art cited by but not relied upon by the Examiner. That document does not teach, anticipate, or render obvious,
25 when taken singularly or in combination with the Smith et al patent, the invention of applicants disclosed in the subject application.

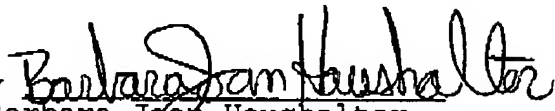
In view of the foregoing remarks, the undersigned attorney respectfully submits that all of the
30 claims of the application are clearly allowable. Therefore,

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Applicant's attorney respectfully requests that the Examiner's rejections be withdrawn and that a formal Notice of Allowance be issued thereon.

If it is believed that an interview would serve to facilitate prosecution of the present application, the Examiner is requested to contact the undersigned attorney. Should the Examiner have any questions with respect to any matter now of record, Applicants' attorney may be reached at (937) 592-8603.

Respectfully submitted,

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